



Vietnam

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The Socialist Republic of Vietnam is a one-party state, ruled and controlled by the Vietnamese Communist Party (CPV). The CPV's constitutionally mandated leading role and the occupancy of all senior government positions by party members ensure the primacy of party Politburo guidelines and enable the Party to set the broad parameters of national policy. In recent years, the Party gradually has reduced its formal involvement in government operations and allowed the Government to exercise significant discretion in implementing policy. The National Assembly remains subject to party direction; however, the Government continued to strengthen the capacity of the 450-member National Assembly and to reform the bureaucracy. The National Assembly, chosen in elections, last held in 1997, in which most candidates are approved by the Party (about 85 percent of delegates are Party members) played an increasingly independent role as a forum for local and provincial concerns and as a critic of local and national corruption and inefficiency. The Assembly was active in revising legislation, criticizing officials' performance, screening ministerial and other senior candidate appointments, and dismissing senior officers. The judiciary remains subservient to the CPV and to external pressure and influence by the Government.

The military services, including the border defense force, are responsible for defense against external threats. The military forces are assuming a less prominent role as the ultimate guarantor of internal security, which primarily is the responsibility of the Ministry of Public Security (MPS). However, in some remote areas, the military forces are the primary government agency, providing infrastructure and all public safety functions, including maintaining public order in the event of civil unrest. The MPS controls the police, a special national security investigative agency, and other units that maintain internal security. It enforces laws and regulations that significantly restrict individual liberties and violate other human rights. It also maintains a system of household registration and block wardens to monitor the population, concentrating on those suspected of engaging, or being likely to engage in, unauthorized political activities. However, this system has become less obvious and pervasive in its intrusion into most citizens' daily lives. Members of the public security forces committed numerous human rights abuses.

The country of approximately 80 million persons is undergoing transition from a centrally planned to a market-oriented economy. Estimated annual gross domestic product (GDP) per capita is \$402. The Asian financial crisis caused a significant slowdown but economic growth rebounded over the past 2 years. GDP growth for the year officially was targeted at 7.5 percent, but the global economic slowdown and its impact on the country's export markets likely has kept growth somewhat below that goal. Agriculture, forestry and fishery employ 62.5 percent of the labor force, and account for 24.3 percent of total output. Industry and construction contribute 36.6 percent, while services account for 39.1 percent. Crude oil is the country's key export and foreign exchange earner, generating \$2.4 billion in export revenues during the first 8 months of the year, followed by textile and garments (\$1.3 billion), aquatic products (\$1.2 billion) and footwear (\$1 billion). Two of the country's traditionally largest exports, rice and coffee, suffered from a continued slump in world market prices. During the year, disbursed official development assistance was \$1.5 billion, roughly 4.7 percent of GDP. Particularly in Ho Chi Minh City (HCMC) and Hanoi, economic reforms have raised the standard of living and reduced party and government control over, and intrusion into, citizens' daily lives. However, many citizens in isolated rural areas, especially members of ethnic minorities in the northern uplands, central highlands, and the central coastal regions continue to live in extreme poverty. The Government is making significant expenditures to improve the economy and services in these areas. Gains from agricultural reform in recent years have improved the lives of many farmers, but the rural poverty level is approximately 30 percent.

The Government's poor human rights record worsened in some respects and it continued to commit numerous, serious abuses. The Government continued to repress basic political and some religious freedoms and abuses by the Government increased. The Government continued to restrict significantly civil liberties on grounds of

national security and societal stability. Although the CPV continued its efforts to strengthen the mechanism for citizens to petition the Government, the authorities continued to deny citizens the right to change their government. Prison conditions remain harsh, particularly in some isolated provinces. Police beat suspects during arrests, and sometimes beat suspects during detention and interrogation. Incidents of arbitrary detention of citizens, including detention for peaceful expression of political and religious views, increased. The judiciary is not independent, and the Government denied some citizens the right to fair and expeditious trials. The Government continued to hold a number of political prisoners. Although thousands of prisoners had their sentences reduced in two general amnesties during the year, it is unknown whether any political or religious prisoners were among them. On October 19, a Catholic priest, Father Nguyen Van Ly, was sentenced to an unusually harsh 15 years in prison. The Government restricts citizens' privacy rights, although the trend toward reduced government interference in the daily lives of most citizens continued. The Government significantly restricts freedom of speech, the press, assembly, and association. The Government continued its longstanding policy of not tolerating most types of public dissent. In response to sometimes violent demonstrations by ethnic minorities in the Central Highlands, the Government sent in military troops augmented by civilian militias and temporarily closed off almost all access to the area by foreigners. Security forces reportedly committed numerous abuses including beating suspected demonstrators, although limited access to the area make these reports difficult to confirm.

The Government allowed elected officials and ordinary citizens in approved forums somewhat greater freedom of expression and assembly to express grievances. During the National Assembly's December session, the Government permitted several small demonstrations in Hanoi. However, on at least four occasions, police in Ho Chi Minh City (HCMC) prevented demonstrators from camping out on a sidewalk to stage a sit-in, but on one occasion, they allowed a group of protesters to march down city streets for a 2-day period. Police in HCMC also allowed a short demonstration in front of a foreign diplomatic office in September. The Government prohibits independent political, labor, and social organizations; such organizations exist only under government control. The Government restricts freedom of religion and bans the operation of religious organizations other than those approved by the State. Dissident groups of Buddhists, Hoa Hao, and Protestants, in particular, faced harassment by authorities. In April the Government bestowed official recognition on a Protestant organization in the southern part of the country. Since April member congregations, as well as several congregations not associated with the organization, experienced decreased harassment by security officials. In July a festival gathering of up to 300,000 Hoa Hao in An Giang province took place with official permission, and in August an estimated 15,000 persons attended the Roman Catholic La Vang pilgrimage. The Government imposes some limits on freedom of movement of particular individuals whom it deems threatening to its rule. The Government does not permit local private human rights organizations to form or operate. Violence and societal discrimination against women remained problems. Child prostitution is a problem. Government and societal discrimination against some ethnic minorities is a continuing problem. The Government restricts some core worker rights, such as freedom of association, although the Government is cooperating with the International Labor Organization (ILO) and international donors to improve implementation of the existing Labor Law and draft or amend labor and labor-related legislation. Child labor is a problem. There were reports that children worked in exploitative situations. Prisons reportedly required inmates to work for little or no pay. Trafficking in women and children for the purpose of prostitution within the country and abroad continued to be serious problems, and there were reports of the trafficking of women to mainland China and Taiwan for arranged and forced marriages. The Government continued efforts to combat these problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From

a. Arbitrary and Unlawful Deprivation of Life

Early in the year, at least one extrajudicial killing reportedly occurred during the ethnic clashes in the Central Highlands. On March 10, in Plei Lau Village in Gia Lai Province, hundreds of soldiers and police clashed with hundreds of ethnic minority persons; two or three soldiers reportedly shot and killed a civilian who had threatened another soldier with a spear. Reports suggest that there were at least three or four other killings by security personnel related to the ethnic unrest in the Central Highlands; however, these cannot be confirmed because independent outside observers were unable to reach the area until July, and even then had limited access. Government officials denied any killings related to the ethnic unrest (see Section 2.b.).

b. Disappearance

There were reports of more than 40 disappearances related to ethnic unrest in the Central Highlands, but the reports cannot be confirmed by independent outside observers. Some of the individuals who reportedly disappeared may have gone into hiding (see Section 2.b.). Others may be among the hundreds who fled to Cambodia.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits physical abuse; however, police beat suspects during arrests. In the course of the suppression of the ethnic unrest in the Central Highlands, security personnel reportedly beat many of the demonstrators and used tear gas, water cannons, and electric prods in putting down the demonstrations.

Several sources report that on March 10, up to 300 villagers who had gathered in a Protestant church in Plei Lau village of Phu Nhon district clashed with up to 700 police officers and soldiers who used tear gas and electric prods to disperse the crowd. One person reportedly was killed and at least two others were wounded when police opened fire. The security forces reportedly forced villagers to burn the church later that day.

In December 2000, during an unauthorized demonstration by Hoa Hao followers, police intervened to separate scuffling groups, and using batons beat one follower, Truong Van Duc, so severely that he required hospitalization.

Prison conditions are harsh, but do not generally threaten the lives of prisoners. There were no reported differences in male and female death rates in prison. Overcrowding, insufficient diet, and poor sanitation remained serious problems. Prison guards sometimes treat prisoners badly and frequently beat them. Inmates punished with solitary confinement are stripped and locked in a small windowless shed for days or even weeks at a time. They are given one small bowl of rice for lunch and dinner and a single bucket of water each day. Conditions in pretrial detention reportedly were particularly harsh, and there were credible reports that authorities sometimes denied inmates access to sunlight, exercise, and reading material. The pretrial detention system provides few rights. Prisoners who await trial and remain "under investigation" sometimes experience harsher conditions than those convicted and sentenced. After trial a prisoner is sent to a different location. Most prisoners have access to basic health care. Prisoners with money can improve their conditions by purchasing supplemental food, medicine, and privileges. However, some political and other prisoners were denied visitation rights, and there were reports that some prisons required inmates to work for little or no pay (see Section 6.c.). Prisoners sentenced to hard labor complained that their diet and medical care were insufficient to sustain health, especially in remote, disease-ridden areas. Although political and religious prisoners are held under harsh conditions in remote prisons, such as Z30a at Xuan Loc in an isolated part of Dong Nai province, with limited medical care, there is no evidence to suggest their conditions are significantly different than those for the regular prison population.

The Government did not permit independent monitoring of its prison and detention system.

d. Arbitrary Arrest, Detention, or Exile

The Government continued to arrest and detain citizens arbitrarily, including arrest and detention for the peaceful expression of their political and religious views. The Criminal Procedure Code provides for various rights of detainees, including time limits on pretrial detention and the right of the accused to have a lawyer present during interrogation; however, in practice the authorities sometimes ignored these legal safeguards. Moreover, a directive on administrative probation gives security officials broad powers if they believe that a suspect is a threat to "national security."

A revised Criminal Code came into effect in July 2000. The revised Code places more strict limits (12 months) on the time allowed for the procuracy (the office which investigates cases and initiates public prosecutions) to end its investigation, and allows less time for the judge's panel (a body consisting of at least one judge and one lay assessor [see Section 1.e.]) to rule on a case. Prior to being formally charged, a detainee has a statutory right to notify family members. However, in most cases the police inform the family of the detainee's whereabouts. Prior to being charged the detainee may contact a lawyer if permitted by the head of the investigating office; following a formal charge the detainee has a statutory right to contact an attorney.

The Supreme People's Procuracy approves the issuance of arrest warrants. However, police may make an arrest without a warrant on the basis of a complaint filed by any party alleging the commission of a crime. The MPS may prohibit contact between a detainee and his lawyer as long as the procurator's office is investigating a case, which may be up to 1 year and may be without formal charges. In general, time spent in pretrial detention counts toward time served upon conviction and sentencing.

Persons arrested for the peaceful expression of views opposed to official policy were subject to charge under any one of several provisions in the Criminal Code that outlaw acts against the State.

Prisoners who are "under investigation" sometimes experience harsher conditions than those who have been convicted and sentenced to prison terms (see Section 1.c.). No official statistics are available on the

percentage of the prison population that consists of pretrial detainees or the average period of time that such detainees have been held.

It is difficult to determine the exact number of political detainees, in part because the Government usually does not publicize such arrests and because the Government does not consider these persons to be detained for political reasons. Among those persons detained for political or religious activities during the year and still awaiting trial at the end of the year are: Vo Tan Sau, Phan Thi Tiem, and Tran Thi Duyen. In addition, it is unknown whether several persons detained in previous years ever have been tried, including: Le Huu Hoa, Dinh Troi, Va Sinh Giay, Phang A Dong, Ma Van Chinh, and Lu Seo Dieu.

The Government continued to isolate certain political and religious activists by placing restrictions on their movements and by pressuring the supporters and family members of others. The Government continued to utilize its 1997 decree on "administrative probation," which gives authorities extremely broad powers to place persons under surveillance, to monitor citizens closely, and to restrict movement. The regulations define "administrative probation" as an administrative penalty imposed on persons over the age of 18 who break the law and violate national security, as determined by the definition of crimes in the Criminal Code, but whose offenses are not at the level that warrants "criminal responsibility." The "probation" can last from 6 months to 2 years; persons under administrative probation must live and work in designated places, and remain subject to the "management and education of the local administration and people." The MPS is the lead agency in implementing the decree and uses these measures mainly against suspected political and religious activists.

To put someone under administrative probation, the chairperson of a district people's committee first collects dossiers on the person recommended for probation, then submits the dossiers to the chairperson of the Provincial People's Committee for a final decision. The district police, people's committees, wards, and townships all help collect information for the dossier. The dossier includes a person's curriculum vitae, his or her past criminal record, as well as any comments from the people's committee, the Vietnam Fatherland Front (VFF, the mass front organization controlled by the Communist Party), and the district police. The chairperson of the Provincial People's Committee uses the information to make a final decision on the probation. In effect, the decree allows the MPS to place persons under house arrest without trial for up to 2 years. On May 12, 2000 biologist Ha Sy Phu, who had circulated articles calling for democracy, was restricted to his house under probation and told he was being investigated for treason. On January 5, the treason charges were dropped, but on February 9, his administrative probation was reinstituted. In July the Chairman of the People's Committee of Lam Dong Province told visiting foreign diplomats that Phu had violated the law by denouncing the achievements of the country and its founding fathers. He added that as a biologist, Phu had no business meddling in politics (see Section 2.a.). Other persons confined under administrative probation during the year include Hoa Hao elders Le Quang Liem and Nguyen Van Dien and Catholic Father Nguyen Van Ly (who was later arrested, charged, tried, and sentenced) (see Section 2.c.). Reform activist Nguyen Thanh Giang may go to and from his residence, but is restricted from traveling outside Hanoi.

Upon release from prison, persons may be subject to administrative detention for a period up to 5 years. These provisions are enforced unevenly. After his release from prison in 1998, Thich Quang Do was able to travel freely, albeit closely monitored. However, since June, after he attempted to organize an unauthorized delegation of monks to Quang Ngai Province, he has been confined incommunicado and under guard to his living quarters. His phone lines were cut, and he is unable to receive visitors (see Section 2.c.). Nguyen Dan Que, also released from prison in the 1998 amnesty, may travel outside his residence but rarely does so because of the intimidation of security police who follow him closely. He rarely receives visitors, and police have shut off his phone and fax (since May 2000), and his Internet, and e-mail (since June 1999).

Some persons are held under conditions resembling house arrest without known legal pretext. Thich Huyen Quang, Supreme Patriarch of the banned Unified Buddhist Church of Vietnam (UBCV), has been confined to a pagoda in Quang Ngai Province since 1982. Provincial police reportedly told him in 1997 that his term of detention had officially concluded. Rather than allow him to return to his previous residence, Ho Chi Minh City, authorities reportedly pressured him to register the isolated pagoda in Quang Ngai as his official permanent residence. Although he refused, he has not been allowed to leave the pagoda (see section 2.c.). Similarly, Protestant pastor Nguyen Lap Ma has been forced to reside in an isolated village in Can Tho Province since 1982. However, since he suffered a stroke in 1998, authorities have allowed him to travel to HCMC for monthly medical check-ups (see Section 2.c.). Another Protestant pastor, Nguyen Nhat Thong, has been forced to reside in a remote village in Binh Thuan province since 1979. He has been allowed to travel outside the village since 1986, but must ask for the permission of local authorities first.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for the independence of judges and jurors; however, in practice the Party controls the courts closely at all levels, selecting judges at least in part for their political reliability. Constitutional safeguards are significantly lacking. Credible reports indicate that party and government officials, including top leaders, instruct courts how to rule on politically important cases. CPV and government officials may exert influence over court decisions by pressuring both the lay assessors and the judges who sit on a panel together to decide cases. The CPV has strong influence over high-profile cases, or in cases where a person is charged with challenging or harming the CPV or the State. The National Assembly votes for judicial nominees presented by the President for Supreme People's Court (SPC) President and Supreme People's Procurator. The National Assembly also controls the judiciary's budget, including judges' salaries, while the executive branch pays judges' salaries at the local level. By contrast, the procuracy, also a separate branch that reports to the National Assembly, has a unified line of command and controls its own budget. The President appoints all other judges.

The system of appointing judges and lay assessors also reflects the lack of judicial independence. Court panels at all levels include judges and lay assessors. However, while lay assessors help decide cases, they have little legal training. District and provincial people's councils appoint the lay assessors at the lower levels. The Standing Committee of the National Assembly appoints and discharges the SPC lay assessors. The VFF must approve candidates for SPC lay assessors. The President appoints the District People's Court and Provincial People's Court judges to 5-year terms. The President also appoints SPC judges. The CPV's influence over the courts is amplified both because the people's councils appoint the lay assessors, and because the judges serve limited terms and are subject to review.

The judiciary consists of the Supreme People's Court, the local people's courts, military tribunals, and other tribunals established by law. Each district throughout the country has a district people's court, which serves as the court of first instance for most domestic, civil, and criminal cases. Each province has a Provincial People's Court, which serves as the appellate forum for district court cases, as well as courts of first instance for other cases. The SPC is the highest court of appeal and review. The Ministry of Justice administers most district and provincial courts, and the National Assembly administers the SPC. The judiciary also includes military tribunals, economic courts, labor courts, and administrative courts that resolve disputes in those specialized fields. Administrative courts deal with complaints by citizens about official abuse and corruption. The economic and administrative courts have addressed few cases since their creation in 1994 and 1995, respectively. Local mass organizations, such as those under the VFF, are empowered to deal with minor breaches of law or disputes. In addition the CPV and Government have set up special committees to help resolve local disputes.

The Supreme People's Procuracy brings charges against the accused and serves as prosecutor during trials. A judging council, made up of a judge and one or more lay assessors, determines guilt or innocence and also passes sentence on the convicted. The relevant people's council appoints lay assessors, who are required to have high moral standards but need not have legal training. The legal institutional framework and legal culture, which favor the procuracy over the judiciary and preserve a presumption of guilt in criminal cases, constitute a major obstacle to free and fair trials. Although the Constitution asserts that citizens are innocent until proven guilty, a foreign legal expert who analyzed the court system during 2000 found that more than 95 percent of the persons who are charged with a crime are convicted.

Many judges and other court officials lacked adequate legal training, and the Government conducted training programs to address this problem. A number of foreign governments and the U.N. Development Program provided assistance to the Government to strengthen the rule of law and develop a more effective judiciary. However, the lack of openness in the judicial process and the continuing lack of independence of the judiciary undermined the Government's efforts to develop a fairer, more effective judicial system.

The amendments to the Criminal Code in July 2000 defined crimes more precisely than the previous code. The new code provides two or three levels of punishment for each crime, depending on the crime's seriousness and circumstances. The new code also provides "punishment brackets" (a range of possible fines or prison sentences) for a larger percentage of the crimes; less than 10 percent have no punishment bracket at all. The changes were intended to discourage abuse by law enforcement officials, allow courts to render verdicts and punishments more appropriate to the particular offense, hinder arbitrary sentencing by judicial panels, and allow crime to be punished more uniformly.

District courts may adjudicate cases for 346 of the 672 crimes defined in the country's legal statutes. The other 326 types of crimes (generally more serious) are adjudicated at the provincial level. In June the National Assembly rejected a bill that would have given district courts authority over 516 types of crimes. According to several National Assembly delegates the legislators were concerned that the change could have led to miscarriages of justice and an unnecessary increase in the prison population (see Section 3).

There is a shortage of trained lawyers and judges and no independent bar association. At the Supreme Court level, there is a 20 percent shortage of qualified judges. The shortage ranges from 30 to 40 percent at the

provincial level, according to a U.N. official. Low salaries hinder the development of a trained judiciary. The few judges who have formal legal training often have studied abroad in countries with Socialist legal traditions and are slow to change. Young educated judges have little influence within the system.

Although the Constitution provides for legal counsel for persons accused of criminal offenses, the scarcity of lawyers makes this provision impossible to enforce. With few qualified attorneys, the procurator often handles both the prosecution and the defense, resulting in legal counsel that frequently is of little help to the defendant. Consistent with its Marxist-Leninist political system, the Government requires that the Bar Association be a subordinate part of the VFF. At the provincial level, the Bar Association is subordinate to representatives of the central Government, the VFF, the provincial people's council, and the people's committee.

Trials generally are open to the public; however, judicial authorities sometimes closed trials or strictly limited attendance in sensitive cases. Defendants have the right to be present at their trial and to have a lawyer. The defendant or the defense lawyer have the right to cross-examine witnesses. However, in political cases, there are credible reports that defendants are not allowed access to government evidence in advance of the trial, to cross-examine witnesses, or to challenge statements. Little information is available on the extent to which defendants and their lawyers have time to prepare for trials. Those convicted have the right to appeal.

The Government continued to imprison persons for the peaceful expression of dissenting religious and political views. There are no reliable estimates of the number of political prisoners, in part because the Government usually does not publicize such arrests, and sometimes conducts closed trials and sentencing sessions. Informed sources estimated that there were up to 150 political prisoners. However, many of the names included on these lists are difficult to verify. The number of confirmed political prisoners is much lower than 150. Ho Van Trong and Truong Van Duc received prison sentences during the year for religious activities. Among the many others believed to be imprisoned at year's end for peaceful political and religious activities are political activist Nguyen Dinh Huy, journalist Pham Thai, and religious persons Truong Van Thuc, Nguyen Chau Lan, Le Van Nhuom, Vo Van Buu, Ha Hai, Nguyen Duy Tam, Le Minh Triet, Le Van Tinh, Le Van Son, Nguyen Van Dau, Thich Nhu Dat, Thich Hai Tang, Thich Phuc Vien, Thich Thien Minh, Thich Tien Tan, Thich Hue Dang, Thich Thanh Tinh, Thich Tri Tuu, Pham Minh Tri, Nguyen Thien Phung, Nguyen Minh Bao, Nguyen Van Ly, and Ly A Cho.

The Government claims that it does not hold any political and religious prisoners and that persons described as political prisoners were convicted of violating national security laws.

The country's newspapers reported that more than 5,100 prisoners received a reduction in their sentences in April and September. It is unknown whether any political or religious prisoners were among them.

The Government does not allow access by humanitarian organizations to political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the right to privacy of home and correspondence; however, the Government restricts this right significantly. Household registration and block wardens systems exist for the surveillance of all citizens, but are used with less vigor and thoroughness than in the past, and rarely intrude on most citizens. The authorities largely focused on persons whom they regarded as having views critical of the Government, or whom they suspected of involvement in unauthorized political or religious activities, and, for example, government informants who attend worship services share information concerning the activities of the congregation and clergy with government and party officials. Citizens formally are required to register with police when they leave home, remain in another location overnight, or when they change their residence. However, these requirements rarely are enforced; many citizens move around the country to seek work or to visit family and friends without being monitored, and many families who sought employment moved to other locations without prior government permission. However, there were reports that some "spontaneous migrant" families have been unable to obtain household registration or residence permits in their new locations, causing them legal and administrative problems. In urban areas, most citizens were free to maintain contact and work with foreigners, but police questioned some individual citizens and families of citizens with extensive or close relations with foreigners. In theory, the Government requires that citizens who work for foreign organizations be screened and hired through a government service bureau. Laws governing foreign business enterprises are more lenient. In practice, many foreign organizations and enterprises hire their own personnel and only "register" them with the service bureau or employment bureau.

The Government opened and censored targeted persons' mail, confiscated packages, and monitored telephone, electronic mail, and facsimile transmissions. However, this practice appeared to be sporadic and is not applied consistently. The Government monitors e-mail, searching the text for sensitive key words, and regulates Internet content (see Section 2.a.).

Citizens' membership in mass organizations remained voluntary, but often is important for career advancement. Membership in the CPV remains an aid to advancement in the Government or in state companies and is vital for promotion to senior levels of the Government. At the same time, diversification of the economy has made membership in CPV-controlled mass organizations and the CPV less essential to financial and social advancement.

The Government continued to implement a family planning policy that urges all families to have no more than two children; this policy emphasizes exhortation rather than coercion. In principle, the Government can deny promotions and salary increases to government employees with more than two children, and local regulations permit fines based on the cost of extra social services incurred by a larger family. These penalties rarely are enforced. There is anecdotal evidence that party members are more likely to be penalized than nonparty members.

Foreign language periodicals are widely available in cities. The Government occasionally censors articles about the country in periodicals that are available for sale.

By law, access to satellite television was limited to top officials, foreigners, luxury hotels, and the press. The law was not enforced uniformly, and many persons in urban and some in rural areas have access via home satellite equipment. The Government generally did not limit access to international radio including the Voice of America and the British Broadcasting Corporation; however, it jammed Radio Free Asia.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government significantly restricts these freedoms, especially with respect to political and religious speech. Reporters and editors practice self-censorship concerning sensitive subjects; however, in recent years, the press has been testing the limits. A press law, passed by the National Assembly in 1999, provides for monetary damages to be paid by journalists to individuals or organizations harmed by reporting, even if the reports are true. This law poses a threat to investigative reporting. For example, in September 2000 the Haiphong Agricultural Materials and Transport Company sued the Hanoi newspaper Capital Youth for harming its prestige with a series of investigative articles about the company's operations. The case never went to trial; under pressure from the Party Commission for Cultural and Ideological Affairs and the Journalists Association, the company agreed to withdraw its suit. In return, the newspaper halted the series. Several media outlets continued to test the limits of government press restriction by publishing articles that criticized actions by party and government officials; however, the freedom to criticize the Communist Party and its highest leadership remains restricted.

Both the Constitution and the Criminal Code include broad national security and antidefamation provisions that the Government used to restrict such freedoms severely. The Party and Government tolerate public discussion and permit somewhat more criticism than in the past. In 1999 the Government established a mechanism for citizens to petition the Government. Citizens could and did complain openly about inefficient government, administrative procedures, corruption, and economic policy. Senior government and party leaders traveled to several provinces to try to resolve citizen complaints. However, the Government imposed limits in these areas as well.

The Government requires officials to obtain approval from their ministry before providing any information to foreign journalists. Journalists, similarly, must receive approval from their editorial offices before providing information.

Retired general and war hero Tran Do was expelled from the Communist Party in 1999 after he refused to cease circulating writings critical of the Party and the Government. On June 12, police confiscated parts of Do's diaries including his negative assessment of the Communist Party's Ninth Congress held in April. Friends have been allowed to visit him, but say authorities discourage visits.

The Government continued to prohibit free speech that strayed outside narrow limits to question the role of the Party, criticize individual government leaders, promote pluralism or multiparty democracy, or question the regime's policies on sensitive matters such as human rights. Nguyen Dan Que continued to call for democracy and respect for human rights, but authorities have suppressed his ability to communicate by shutting off his phone line and access to the Internet and e-mail for more than 1 year. Police continue to monitor him closely and to call him in for questioning periodically (see Section 1.d.). Biologist Ha Sy Phu, who was cleared on charges of treason in January, nevertheless was placed under administrative probation in February for writing articles calling for democracy (see Section 1.d.). Beginning in February, following his submitting written

testimony critical of the Government to the U.S. Commission on International Religious Freedom (CIRF), the authorities placed Catholic Father Nguyen Van Ly under administrative detention. Father Ly was arrested on May 17 and was convicted of damaging national unity and violating his administrative detention on October 19, receiving cumulative sentences of 15 years. The Government restricts persons who belong to dissident and unofficial religious groups from speaking publicly about their beliefs.

There continued to be an ambiguous line between what constituted private speech about sensitive matters, which the authorities would tolerate, and public speech in those areas, which they would not. In January members of the editorial board of the Tuoi Tre daily were ordered to write self-criticisms after the newspaper published the results of an opinion poll that showed Government leaders were not held in particularly high regard by young persons (see Section 2.d.). Several authors whose works attracted official censure in past years continued to be denied permission to publish, to speak publicly, or to travel abroad. Security forces continue to harass novelist Duong Thu Huong intermittently, and authorities would not allow her to travel abroad. However, Huong is allowed to meet with some foreigners and Vietnamese colleagues. Some persons who express dissident opinions on religious or political issues also are not allowed to travel abroad (see Section 2.d.). The Party, the Government, and party-controlled mass organizations controlled all print and electronic media. The Government exercises oversight through the Ministry of Culture and Information, supplemented by pervasive party guidance and national security legislation sufficiently broad to ensure effective self-censorship in the domestic media. The Government officially requires all religious publishing be done by one government-owned religious publishing house. With apparent party approval, several newspapers published reports during the year on high-level government corruption and mismanagement as well as sometimes-heated debate on economic policy. The Government occasionally censors articles about the country in foreign periodicals that are sold in the country. The Government generally did not limit access to international radio, except to Radio Free Asia, which it jammed (see Section I.f.).

Foreign journalists must be approved by the Foreign Ministry's Press Center and must be based in Hanoi. The number of foreign staff allowed each foreign media organization is limited, and most local staff who work for foreign media are provided by the Foreign Ministry. The Press Center monitors journalists' activities and decides on a case-by-case basis whether to approve their interview, photograph, film, or travel requests, all of which must be submitted 5 days in advance. In March and June, immigration authorities threatened not to renew the visas of correspondents of two foreign news bureaus because of official dissatisfaction with some of their reporting, and told each of them that they would be required to leave the country in a few days. Diplomatic missions and high-level foreign visitors vigorously protested to officials. After initially providing probationary, shorter-than-usual renewals, the authorities renewed both visas for the customary 6 months. In past years, the Government censored television footage and sometimes delayed export of footage by several days. This is not known to have occurred during the year, although regulations continue to allow the government to screen such footage.

The Government allowed artists broader latitude than in past years in choosing the themes of their works, although artists are not allowed to exhibit works of art that censors regard as criticizing or ridiculing the Government or the Party. Many artists received permission to exhibit their works abroad, receiving exit permits to attend the exhibits and export permits to send their works out of the country.

The Government allows access to the Internet; however, it owns and controls the country's only Internet access provider, Vietnam Data Communications (VDC). VDC is also the largest of the five Internet service providers (ISP's) with 57 percent of all subscribers. The Government postal department reports that the number of Internet subscribers in the country nearly doubled to approximately 150,000 in the past year. High prices limit home usage. However, universities and the growing number of cyber cafes allow students and many other persons wider access to the Internet. VDC is authorized by the Government to monitor the sites that subscribers access. The Government uses firewalls to block sites it deems politically or culturally inappropriate, including sites operated by exile groups abroad. In September the Government blocked access to a site on which internal activists had posted a letter (see Section 2.b.).

On August 23, the Prime Minister issued a decree on the management, provision, and use of Internet services. The decree allows expansion of the number of ISP's, including enterprises from the private sector. It also prohibits Internet users from taking advantage of the Internet for the purpose of hostile actions against the country or to destabilize security, violate morality, or violate other laws and regulations. The NGO, Reporters Sans Frontieres lists the country as 1 of 58 "enemies of the Internet."

The Government permitted a more open flow of information within the country and into the country from abroad, including the university system than in previous years. Foreign academic professionals temporarily working at universities could discuss nonpolitical issues widely and freely in the classroom. Government monitors regularly attended, without official notification, classes taught by foreigners and citizens. Academic publications usually reflected the views of the Party and the Government and exhibited greater freedom for differing views on nonpolitical subjects than for political ones.

b. Freedom of Peaceful Assembly and Association

The right of assembly is restricted in law and practice, and the Government restricts and monitors all forms of public protest. Persons who wish to gather in a group are required to apply for a permit, which local authorities can issue or deny arbitrarily. However, persons routinely gather in informal groups without government interference. In general, the Government does not permit demonstrations that could be seen as having a political purpose. During the year, there were a number of peaceful protests of approximately 10 to 25 persons outside government and party office buildings and the National Assembly hall in Hanoi. There were two peaceful protests in Ho Chi Minh City. Early in the year, on at least four occasions, police prevented protesters from conducting sit-in demonstrations on HCMC sidewalks. However, on May 10 and 11, approximately 40 to 50 protesters marched for more than 4 hours each day down several of HCMC's major thoroughfares carrying banners expressing grievances regarding land compensation. Police not only allowed the march to proceed, but a police vehicle and several officers on foot escorted the group helping to control crowds of onlookers. Traffic police also appeared at intersections, controlling traffic to allow the protesters to proceed. Police did not react to a 10-minute protest outside a foreign diplomatic office in HCMC on September 15.

On February 2, up to 4,000 ethnic minority persons demonstrated in the Central Highland town of Pleiku. On February 3, from 500-1,000 ethnic minority persons demonstrated in the Central Highland town of Buon Me Thuot. The demonstrators protested loss of forest land in the area to ethnic majority citizens. Some protested local government repression of Christian religions and some called for political autonomy or for an independent state. Details of what happened vary from witness to witness. It appears that many demonstrators in Pleiku threw stones at government buildings. Police and soldiers responded with tear gas and water cannons. Fighting occurred between police using batons and electric prods and many demonstrators armed with clubs. Scores of persons were injured on both sides.

The following day in Buon Me Thuot, after several hundred demonstrators gathered in the town center, police attempted to disperse them with water cannons. The demonstrators responded by throwing stones at the fire engine. Many persons on both sides were injured in fighting between the security forces and some of the demonstrators.

Smaller scale demonstrations with varying degrees of violence continued in rural districts of the Central Highlands until March. The Government deployed local troops augmented by civilian militias and nonuniformed security forces to secure the area. In some places, the Government forced villagers to feed and quarter troops or members of the civilian militias. On September 27 and 28, 14 ethnic minority persons arrested in connection with the unrest were sentenced to prison terms ranging from 6 to 12 years. One of the 14 also was convicted of illegal possession of a military weapon. On October 18, the Government sentenced six more ethnic minority persons to sentences ranging from a 3-year suspended sentence to 5 years' imprisonment. Charges against 18 others were dropped, or changed to the lesser charge of "inciting social unrest." At least 14 others were arrested and are awaiting trial. Many more were detained and later released. There were numerous credible reports that police beat the suspects when taken into custody.

More than 900 ethnic minority persons fled across the Cambodia border fearing arrest or reprisals by security forces. There are credible reports that nonuniformed security forces crossed the Cambodian border to capture and return those who had fled. These reports add that the security forces forcibly returned approximately 50 persons who remain in detention in Dak Lak Province. Eight other persons reportedly were returned to Gia Lai Province. Two of them reportedly are in jail, and the other six were placed under administrative probation. Family members reported the disappearances of at least 42 ethnic minority persons from Gia Lai Province.

There are several conflicting reports about an event on March 10, in Plei Lau village of Gia Lai Province. According to one credible report, hundreds of police and soldiers attempted to disperse hundreds of ethnic minority persons. Fighting erupted, resulting in dozens of injuries on both sides. At one point, an ethnic minority person armed with a spear attacked a soldier and was shot and killed by two or three other soldiers. Soldiers reportedly pursued and opened fire on other persons who had fled into the forest, wounding at least two who were shot in the leg and captured. Later that day, police forced some villagers to burn down the village church.

The Government restricts freedom of association. The Government prohibits the legal establishment of private, independent organizations, insisting that persons work within established, party-controlled organizations, often under the aegis of the VFF. Citizens are prohibited from establishing independent organizations such as political parties, labor unions, and religious or veterans' organizations. Such organizations exist only under government control. However, some entities have been able to operate outside of this framework with little or no Government interference.

Police in Hai Phong detained and held Vu Cao Quan from April 24 until May 4 after he met individually in

Hanoi with several persons holding reformist views including Nguyen Thanh Giang, Hoang Minh Chinh, General Tran Do (retired), and Colonel Pham Que Duong (retired). Since 1990 while still a member of the Communist Party, Quan had written several pieces advocating democracy. In January 1999, Quan resigned from the Party to protest General Tran Do's expulsion from the Party earlier the same month.

On September 2, the country's Independence Day, Tran Van Khue and Colonel Pham Que Duong sent a letter to the party and government leadership seeking permission to form a "People's Association to support the Party and State to fight corruption." On September 5, police expelled Khue and Nguyen Thi Thanh Xuan from Hanoi to their residences in HCMC and summoned Duong and 16 Hanoi associates of Khue and Duong for questioning related to the proposed "People's Association." These persons are known to hold dissident or reformist views and include Hoang Minh Chinh, Nguyen Thanh Giang, Hoang Tien, Nguyen Vu Binh, Duong Hung, Le Chi Quang, Tran Dung Tien, Nguyen Dao Kinh, Tran Ba, Dau Quy Ha, Duoi Huy, Nguyen Thu, Nguyen Doai, V. Thinh, Tran Dai Son, and Duoi Son. The Government also cut their personal telephone lines and blocked access to the web site where Duong and Khue posted their letter. In HCMC, police confiscated Khue's computer and for more than 1 month "invited" him to come to the local police station twice a day "to work with them."

c. Freedom of Religion

Both the Constitution and government decrees provide for freedom of worship; however, the Government continued to restrict significantly those organized activities of religious groups that it declared to be at variance with state laws and policies. The Government generally allowed persons to practice individual worship in the religion of their choice, and participation in religious activities throughout the country continued to grow significantly. However, restrictions on the hierarchies and clergy of religious groups remained in place, and the Government maintained supervisory control of the recognized religions, in part because the Communist Party fears that organized religion may weaken its authority and influence by serving as political, social, and spiritual alternatives to the authority of the central Government. Religious groups faced difficulties in training and ordaining clergy, and conducting educational and humanitarian activities. Religious figures encountered the greatest restrictions on their activities when they engaged in activities that the CPV perceives as political activism and a challenge to its rule. There were credible reports that in 1999, 2000, and during the year Hmong Protestant Christians in several northwestern villages were forced to recant their faith. The Penal Code, as amended in 1997, established penalties for offenses that are defined only vaguely, including "attempting to undermine national unity" by promoting "division between religious believers and nonbelievers." In some cases, particularly involving Hmong Protestants, when authorities charge persons with practicing religion illegally, they use provisions of the Penal Code that allow for jail terms of up to 3 years for "abusing freedom of speech, press, or religion." There were reports that officials fabricated evidence, and some of the provisions of the law used to convict religious prisoners contradict international instruments such as the Universal Declaration of Human Rights. According to credible reports, the police arbitrarily detain persons based on their religious beliefs and practice, particularly in the mountainous, ethnic minority areas.

The Government technically requires religious groups to be registered and uses this process to control and monitor church organizations. To obtain official recognition, a group must obtain government approval of its leadership and the overall scope of its activities. Officially recognized religious organizations are able to operate to varying degrees throughout the country, and followers of these religious bodies are able to worship without Government harassment, except in some isolated provinces. Officially recognized organizations must consult with the Government about their religious operations, although not about their tenets of faith. While the Government does not directly appoint the leadership of the official religious organizations, to varying degrees it plays an influential role in shaping the process of selection and in some cases maintains a veto power. In general, religious organizations are confined to dealing specifically with spiritual and organizational matters. The Government holds conferences to discuss and publicize its decrees on religion.

Religious organizations must obtain government permission to hold training seminars, conventions, and celebrations outside of the regular religious calendar, to build or remodel places of worship, to engage in charitable activities or operate religious schools, and to train, ordain, promote, or transfer clergy. Many of these governmental restrictions principally are exercised by provincial or city people's committees, and treatment of religious persons varied widely by locality. In some areas such as HCMC, local officials allowed religious persons wide latitude in practicing their faith, including allowing some educational and humanitarian activities. However, in other areas such as the northwest provinces and the Central Highlands, local officials allowed believers little discretion in the practice of their faith. In general religious groups faced difficulty in obtaining teaching materials, expanding training facilities, publishing religious materials, and expanding the clergy in training in response to the increased demand from congregations; the Government regulates the number of clergy that the Buddhist, Catholic, Hoa Hao, and Cao Dai churches officially may train. The Government has not allowed officially recognized training of Protestant clergy since 1993. The Roman Catholic Church faces many restrictions on the training of nuns and the training and ordination of priests and bishops, thus limiting pastoral ministry. The Government effectively maintains veto power over Vatican appointments of bishops;

however, in practice it has shown willingness to discuss appointments with the Vatican.

The Government officially recognizes Buddhist, Roman Catholic, Protestant, Hoa Hao, Cao Dai and Muslim religious organizations. However, some leaders of Buddhist, Protestant, and Hoa Hao organizations and many believers of these religions do not recognize or participate in the government-approved associations. Some leaders of the pre-1975 Buddhist and Hoa Hao religious bodies unsuccessfully have requested official recognition of their organizations. Their activities, and those of the unregistered Protestant "house churches" are considered illegal by the authorities, and they sometimes experience harassment as a result.

The Government requires all Buddhist monks to work under a party-controlled umbrella organization, the Central Buddhist Church of Vietnam. The Government continued to harass members of the Unified Buddhist Church of Vietnam (UBCV), which is not approved by the Government, and prevented their conducting independent religious activities, particularly outside of their pagodas. Religious and organizational activities by UBCV monks are illegal, and all UBCV activities outside private temple worship are proscribed. UBCV leaders have unsuccessfully requested official recognition since 1981. Thich Huyen Quang, the Supreme Patriarch of the UBCV has been confined to an isolated pagoda since 1982 under conditions resembling house arrest. He is able to receive visits from sympathetic monks, but police detained Thich Quang Do, the UBCV's second-ranking monk, and questioned and strip searched him after he visited the Patriarch in February. In June Thich Quang Do tried to escort Thich Huyen Quang to HCMC. In response, HCMC authorities enforced a 5-year administrative surveillance order on Thich Quang Do by confining him to his living quarters, under guard. He is unable to receive visitors or phone calls. On September 2, Ho Tan Anh, described as a UBCV lay supporter, committed suicide by self-immolation in Danang to protest the Government's actions toward the UBCV. On September 5, Vo Tan Sau and two other UBCV supporters and associates of Ho Tan Anh reportedly were detained and may still be in police custody.

The Vietnamese Roman Catholic Church hierarchy remained frustrated by the Government's restrictions but has learned to accommodate itself to them. A number of clergy reported a modest easing of Government control over church activities in certain dioceses during the year. In some locales, particularly in the south, local Government officials allowed Catholic Church officials to conduct religious education classes (outside regular school hours), operate kindergartens, and engage in a variety of humanitarian activities. However, in many areas, officials strictly prohibited these activities. In recent years, the Government eased its efforts to control the Roman Catholic hierarchy by relaxing the requirements that all clergy belong to the Government-controlled Catholic Patriotic Association.

The Government allowed many bishops and priests to travel freely within their dioceses and allowed greater, but still restricted freedom for travel outside these areas, particularly in many ethnic areas. Government officials discourage officially recognized clergy from entering Son La, Lai Chau, and some other border provinces. The Government limits the Catholic Church to 6 major seminaries and to accepting new seminarians only every other year. Approximately 500 students are enrolled nationwide. The local People's Committee must approve all students, both upon entering the seminary and prior to their ordination as priests. Several 1975-era seminary graduates have remained unordained, pending Government approval. Catholics believe that the number of ordained priests is insufficient to support the growing Catholic population.

On October 19, the Thua Thien Hue Provincial People's Court convicted Catholic Father Nguyen Van Ly and sentenced him to 15 years in prison--2 years for disobeying the "administrative probation" he was given in February after he submitted written testimony that was highly critical of the Government for its continued restrictions on the Catholic Church and other religions to the U.S. Commission on International Religious Freedom, and 13 years for damaging the Government's unity policy. A priest, Pham Minh Tri, and a lay brother, Nguyen Thien Phung, belonging to the Congregation of the Mother Co-Redemptrix remain imprisoned reportedly for assisting in running an underground seminary.

In February the Government organized a congress of Protestant delegates from the southern part of the country that led to the official recognition in April of the Southern Evangelical Church of Vietnam (SECV) with hundreds of churches. (The Government recognized the northern branch of the Evangelical Church of Vietnam, with only 14 officially approved churches, many years ago.). The SECV Congress was notable for its free democratic election of officers and its apparent lack of Government interference. Beginning in April the Government encouraged the many underground Protestant congregations to join the SECV in order to become "legalized." Some underground Protestant pastors remain suspicious of the new organization and at least two groups not affiliated with the SECV have engaged in discussions with government religious officials to obtain separate legal status. Other Protestant leaders, particularly in HCMC, are optimistic that affiliation with the SECV may eliminate the local police harassment they have experienced for many years. Some ethnic majority (Kinh) underground Protestant pastors located in the Central Highlands also are optimistic about affiliation with the SECV. Ethnic minority underground Protestant congregations in the Central Highlands and in the northwestern provinces, however, sometimes continue to suffer severe abuses. Provincial officials in certain northwest provinces do not allow churches or pagodas to operate and have arrested and imprisoned ethnic

minority believers for practicing their faith nonviolently despite provisions of the Constitution that permit such activities. Protestants are not allowed to operate a seminary or to ordain new clergy. There were multiple reports that local police beat Protestants during detention or questioning in the Central Highlands, the central coast and the northwestern provinces. At the beginning of 1999 there were more than 25 ethnic Hmong Protestants imprisoned, primarily in Lai Chau province, for "teaching religion illegally" or "abusing their civil liberties to cause social unrest." Following international attention to the detentions, most of the detainees have been released. Twenty or more Hmong Protestant leaders may still be imprisoned, including: Va Sinh Giay, Vang Sua Giang, Phang A Dong, Mua A Ho, Cu Van Long, and Sua Song Vu. An ethnic Hre church leader, Dinh Troi, was detained in Quang Ngai Province on the central coast in 1999, and it is believed he was still detained at year's end. Protestant pastor Nguyen Lap Ma has been forced to reside in an isolated village in Can Tho Province since 1982. His children have endured discrimination at school and in seeking employment (see Section 1.d.). Another Protestant pastor, Nguyen Nhat Thong, similarly has been forced to reside in a remote part of Binh Thuan Province since 1979.

There were reports that between February and April groups of vigilantes abducted and beat Protestant worshippers in the Central Highlands' provinces. In April assailants severely beat two ethnic-Vietnamese female primary school teachers on their return from a Protestant service in Phu Nhon District in Gia Lai Province. There were dozens of additional specific reports of similar beatings in the area. In March there were unconfirmed reports that authorities demolished churches in Plei Lau Village in Phu Nhon district. The government response to ethnic unrest in the Central Highlands was directed at the organizers of the demonstrations; however, because some organizers also were Protestant leaders, some local authorities cracked down on Protestants in their areas. According to one report, the Protestant churches in Ban Don district in Dak Lak province were closed following the February demonstrations; authorities prevented all assembly for worship since that time.

In March teachers at a public primary school in the same district reportedly ordered all the Christian students to renounce Christ. When the students refused, they were suspended from school and not allowed to return until further notice. It is not known if they remained suspended at year's end. On March 10, soldiers dispersed approximately 200 persons who had gathered at a Protestant church in Plei Lau village in Phu Nhon district of Gia Lai province. A fight ensued in which one person using a spear reportedly was killed by gunfire when he attacked a soldier. Authorities later burned the church to the ground (see Section 1.c.).

Several reports describe a systematic campaign on the part of local officials in Dak Lak and Gia Lai provinces in the Central Highlands to force ethnic minority Protestants to renounce their faith. Similar campaigns have been and continue to be reported in Lai Chau, Lao Cai and other mountainous northern provinces. Under threat of physical abuse or confiscation of property, ethnic minority Protestants allegedly are made to sign a formal, written renunciation or to undergo a symbolic ritual, which includes drinking rice whiskey mixed with animal blood.

Most evangelical house churches do not attempt to register because they believe that their applications would be denied, and they want to avoid government control. However, for more than a year the Government has exhibited interest in facilitating house church registration.

In February 2000, several leaders of the Hoa Hao community, including several pre-1975 leaders, openly criticized the official Hoa Hao organization (established in 1999) as subservient to the Government and demanded official recognition of their own leadership. The Government neither acknowledged the claims of these Hoa Hao believers nor officially permitted their independent activities. On March 28, 2000 the Government arrested eight Hoa Hao believers for organizing commemorative activities independent of the government-sanctioned Hoa Hao Administrative Committee. Three subsequently were released, but five stood trial and received prison sentences ranging from 1 to 3 years. Two of the five were released in March after completing their sentences; the other three remain in prison.

Hoa Hao believer Vo Van Buu was arrested, tried, and sentenced to 30 months in prison after meeting in June 2000 with Nguyen Van Dien, an officer of the Hoa Hao organization that does not have government approval. In November, Ha Hai, another officer of the Hoa Hao organization that does not have government approval, was arrested in HCMC after organizing a demonstration planned to coincide with the visit to HCMC of then-President Clinton. Hai was under administrative probation at the time; he was sentenced to 5 years' imprisonment for violating his house arrest orders. On December 20, 2000 approximately 300 supporters of the Hoa Hao organization that does not have government approval joined 10,000 other Hoa Hao believers at a Hoa Hao pilgrimage site. A fight broke out between members of this group and others at the site. Police intervened, and several witnesses state that police used batons to beat many persons, all of them from the group that does not have government approval. Two members of the group, Truong Van Duc and Ho Van Trong, were arrested and sentenced to 12- and 4-year prison sentences, respectively. On March 17, Le Quang Liem, head of the organization that does not have government approval, and Nguyen Van Dien, his Deputy, were detained and placed under 2-year house arrest orders after meeting with a group of Hoa Hao followers in

a HCMC park before dawn. Police claimed several of the followers were preparing to commit self-immolation. They later produced cans of gasoline and gasoline-soaked clothing as evidence. Two days later, Ms. Nguyen Thi Thu, a supporter of the group, committed self-immolation in protest of government actions toward the Hoa Hao. On July 24, police in An Giang Province arrested Ms. Phan Thi Tiem and Ms. Tran Thi Duyen for their involvement in the immolation.

Despite its abuse against Hoa Hao "dissidents," the Government permitted other Hoa Hao believers more freedom to practice their faith. Between 100 and 200 visitors worship at the central Hoa Hao Pagoda in An Giang Province on a daily basis. Several hundred believers traveled there in March to commemorate a traditional anniversary that the Government refuses to recognize officially. Up to 300,000 persons traveled there in July to celebrate another traditional anniversary that the Government does recognize.

Prior to the Government's recognition of the religion, a government-controlled Management Council established in 1997 rewrote the Cao Dai constitution. The Council has full powers to control the affairs and manage the operations, the hierarchy, and clergy of the Cao Dai faith. Two high-ranking Cao Dai clerics, Archbishop Thuong Nha Thanh and Archbishop Thai The Thanh have chosen not to participate in the government-approved Cao Dai Management Council; they reportedly are free to worship, but are not allowed to meet with foreigners. A central tenet of the Cao Dai faith is belief in the ability to communicate with the spirits through the use of a medium. Because the use of mediums was essential to ceremonies accompanying promotion of clerics to higher ranks, the new Cao Dai constitution effectively banned clerical promotions. The Government views the practice as "superstitious," and when the Management Council rewrote the Cao Dai constitution, it annulled the rite. Numerous Cao Dai believers actively have challenged this and other edicts of the Management Council, stating that they were not faithful to Cao Dai principles and tradition. In 1999, however, the Management Council and clergy came to an agreement that changed part of the rite so that it would no longer be superstitious, but maintained enough "spiritual direction" to be acceptable to Cao Dai followers. The agreement resulted in the promotion of several hundred clerics, the first promotions in more than 25 years. Some Cao Dai followers in the country and abroad continue to oppose the change and charge that only those clergy who were cooperative with the Government received promotions. The Government has prohibited ordination into the Cao Dai priesthood since 1975, and no new priests were ordained during the year.

The Muslim Association was banned in 1975 but authorized again in 1992. It is the only official Muslim organization. Association leaders say that they are able to practice their faith, including daily prayer, fasting during the month of Ramadan, and the pilgrimage to Mecca. During the year, at least 30 to 40 Muslims made the Hajj.

In 1999 the Government issued a decree that prescribes the rights and responsibilities of religious believers. Similar to an earlier 1991 decree, it states for the first time that no religious organization can reclaim lands or properties taken over by the State following the end of the 1954 war against French rule or the 1975 Communist victory in the south. Despite the decrees, only a portion of previously confiscated Buddhist and Catholic properties has been returned. The decree also states that persons formerly detained or imprisoned must obtain special permission from the authorities before they may resume religious activities. However, there have been no reports of anyone having been denied this permission.

The Government restricts and monitors all forms of public assembly, including assembly for religious activities. On some occasions, large religious gatherings have been allowed, such as the Catholic celebrations at La Vang. Within the past 3 years, the Hoa Hao also have been allowed to hold large public gatherings to commemorate some traditional anniversaries, but not others.

The Government restricts persons who belong to unofficial religious groups from speaking about their beliefs. The law prohibits foreign missionaries from operating in the country. Proselytizing by citizens is restricted to regularly scheduled religious services in recognized places of worship.

Police authorities routinely question persons who hold dissident religious or political views, such as UBCV monks and Hoa Hao leaders. The Government established a publishing house under control of its Committee for Religious Affairs specifically to publish all religious materials. Many Buddhist sacred scriptures, Bibles, and other religious texts and publications are printed by government-sanctioned organizations and are distributed openly. The Government allows religious travel for some, but not all, religious persons; Muslims are able to take the Hajj, and many Buddhist and Catholic Church officials, and some Protestant officials are able to travel and study abroad. Persons who hold dissident religious opinions sometimes are not approved for foreign travel. Buddhist monk Thich Thai Hoa in Hue, for example, has been refused permission to travel outside the country on several occasions.

The Government does not designate religion on individual passports, although citizens' "family books," which

are household identification books, list religious affiliation. Many individuals who consider themselves Buddhist indicate in their family books that they are not religious. Similarly many Buddhist believers indicate that they are not religious on their individual identification cards.

The Government allows and in some cases encourages links with coreligionists in other countries for approved religious groups. The Government actively discourages contacts between the illegal UBCV and its foreign Buddhist supporters, and between unofficial Protestant organizations, such as the underground churches, and their foreign supporters. Contacts between the Vatican and the domestic Catholic Church are permitted, and the Government maintains a regular, active dialog with the Vatican on a range of issues, including organizational activities, the prospect of establishing diplomatic relations, and a possible papal visit.

The Government does not permit religious instruction in public schools. However, in some provinces, religious instruction is allowed outside regular classroom hours. Khmer Buddhists and Cham Muslims routinely hold religious (and language) instruction after regular school hours. Catholic churches in HCMC and elsewhere hold Sunday school classes.

The Government's Committee for Religious Affairs periodically hosts meetings with government-approved agendas to address religious issues that bring together leaders of diverse religious traditions.

Open adherence to a religious faith generally does not disadvantage persons in civil, economic, and secular life, although it likely would prevent advancement to the highest Government and military ranks. Avowed religious practice theoretically bars one from membership in the Communist Party, but in 1997 the CPV reported that about 23,000 of the 2.4 million Party members were religious believers.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides that citizens shall enjoy freedom of movement and of residence within the country... (and) freely travel abroad and return home...in accordance with the provisions of the law;" however, the Government imposes some limits on freedom of movement. Most citizens enjoyed freedom of movement within the country, but some local authorities required members of ethnic minority groups to obtain permission to travel outside certain highland areas. Local officials reportedly informally discourage clergy from entering certain provinces. Officially, citizens had to obtain permission to change their residence (see Section 1.f.). In practice many persons continued to move without approval, especially migrant or itinerant laborers moving from rural areas to cities in search of work. However, moving without permission restricted their ability to obtain legal residence permits. Holders of foreign passports in theory must register to stay in private homes. In practice, visitors of Vietnamese origin from overseas do not appear to have problems with this requirement and are allowed to stay with family and friends. However, many visitors of Vietnamese origin who are also Cao Dai believers have been summoned to report to the Tay Ninh Provincial Committee for Religion to be questioned or to write a report after visiting Cao Dai relatives in Tay Ninh.

The Government employs internal isolation under the decree on administrative detention to restrict the movement of political and religious dissidents (see Sections 1.d. and 1.f.).

Foreigners generally are free to travel throughout the country, except in areas restricted on grounds of national security. Following the February ethnic unrest in the Central Highlands, entry into the area was restricted for several months for most foreigners. The Government retained the right to approve travel to border areas and to some islands, but in practice foreigners can travel to most border areas without prior approval. However, on several occasions, local police detained and fined foreigners whom police found had ventured too close to international borders and other sensitive military areas.

Although the Government no longer required citizens traveling abroad to obtain exit or reentry visas, the Government sometimes prevents persons from traveling by refusing to issue passports. Persons who depart the country using passports marked *dinh cu* or "resettlement" appear to need a reentry permit to return. Some persons who publicly or privately have expressed critical opinions on religious or political issues sometimes are not allowed to travel abroad (see Section 2.c.).

Citizens must demonstrate eligibility to emigrate to another country and show sponsorship abroad before the Government issues passports for emigration. Persons who emigrate under refugee status are required to have a letter of introduction from the Ministry of Public Security in order to obtain a passport. Citizens' access to passports sometimes was constrained by factors outside the law, such as bribery and corruption. Refugee and immigrant visa applicants sometimes encountered local officials who arbitrarily delayed or denied passports based on personal animosities or on the officials' perception that an applicant did not meet program criteria, or in order to extort a bribe.

The United States continued to process immigrants and refugee applicants for admission and resettlement, including Amerasians, former reeducation camp detainees, and family reunification cases. There are concerns that some members of minority ethnic groups, such as the Montagnards, who live in the Central Highlands may not have ready access to these programs because the Government denied them passports.

Vietnam and the United States continued to work together on the Resettlement Opportunity for Vietnamese Returnees (ROVR) Program in processing the residual applicants who had returned from refugee camps elsewhere in Southeast Asia. This program is nearing completion.

The Government generally permits citizens who emigrate to return to visit, but it considers them citizens and therefore subject to the obligations of citizens under the law, even if they have adopted another country's citizenship. In practice, the Government usually treats them as citizens of their adopted country; emigrants are not permitted to use Vietnamese passports after they adopt other citizenship. However, because citizens who live overseas are considered a valuable potential source of foreign exchange and expertise for the country but also a potential security threat, the Government generally encourages them to visit but monitors many of them carefully.

During the ethnic unrest in the Central Highlands in the early part of the year, several hundred Montagnards fled to Cambodia. The Government has been in contact with the U.N. High Commissioner for Refugees (UNHCR) to discuss their return. At year's end discussions continued.

The Constitution allows consideration of asylum under certain circumstances for foreigners persecuted abroad. Otherwise, the country does not have provisions for the granting of asylum or refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. There were no reports of the forced return of persons to a country where they feared persecution. The Government is not known to have taken a position on first asylum.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. Party control over the selection of candidates in elections for the National Assembly, the presidency, the prime ministership, and local government undermines this right. All authority and political power is vested in the CPV, and the Constitution declares the supremacy of the CPV; political opposition movements and other political parties are not tolerated. The CPV Central Committee is the supreme decisionmaking body in the nation, with the Politburo as the locus of policymaking. During the Ninth Congress of the CPV, held from April 19 to April 22, the Party replaced the standing board, consisting of the five most senior members of the Politburo, with a nine-member Secretariat, consisting of the General Secretary, four lower ranking Politburo members, and four non-Politburo Central Committee members, to oversee day-to-day implementation of leadership directives. The Government limited public debate and criticism to certain aspects of individual, state, or party performance determined by the CPV itself. No public challenge to the legitimacy of the one-party State is permitted; however, there were isolated instances of unsanctioned letters critical of the Government from private citizens, including some former Party members, that circulated publicly (see Section 2.a.).

Eligible citizens legally are required to vote in elections, although there is no penalty for not voting. Citizens elect the members of the National Assembly, the main legislative body, but the party-controlled VFF must approve all candidates. Three members of the 450-member assembly are self-nominated independents, not nominated by the VFF, although it approved their candidacies.

The National Assembly, although subject to the control of the Party (all of its senior leaders are party members), increasingly served as a forum for the expression of local and provincial concerns and as a critic of corruption and inefficiency. However, it generally does not initiate legislation and does not pass legislation that the Party opposes. Party officials occupied most senior government and National Assembly positions and continued to have the final say on key issues. During the year, the National Assembly continued to engage in vigorous debate on economic, legal, and social issues and to exert its increasing power to revise or reject draft laws. In June legislators concerned that passage of the bill would lead to widespread miscarriages of justice, rejected a bill that could have granted district courts wider powers. Opposition by National Assembly members and the general public to a number of proposed constitutional amendments apparently led the Government to withdraw them from consideration. Legislators questioned and criticized ministers in sessions broadcast live on television.

The law provides the opportunity for equal participation in politics by women and minority groups; however, the percentage of women in government and politics does not correspond to their percentage of the population. There are no women in the Politburo. Women are better represented in the National Assembly, where more

than one-fourth of the 450 members are women. Women hold a number of important government positions. The Vice President is a woman, as are several ministers and vice ministers.

The CPV Secretary General, formerly President of the National Assembly, is a member of an ethnic minority group. However, the percentage of minorities in government or politics does not accurately reflect their numbers in the population.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not permit private, local human rights organizations to form or operate. It generally prohibits private citizens from contacting international human rights organizations, although some dissidents were able to do so.

The Government continued negotiations to allow UNHCR access to the Central Highlands to determine conditions for possible repatriation of ethnic minority persons who fled to Cambodia fearing possible Government reprisals following the February ethnic unrest in the area. The Government criticized any public statement on human rights issues by international nongovernmental organizations (NGO's) or by foreign governments as interference in its "internal affairs."

The Government generally was willing to discuss human rights problems bilaterally with some other governments if such discussions took place under the rubric of "exchanges of ideas" rather than as "investigations." Several foreign governments held official talks during the year concerning human rights.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on gender, ethnicity, religion, or social class; however, enforcement of these prohibitions was uneven. Persons formerly interned in reeducation camps on the basis of association with the pre-1975 government continued to report varying levels of discrimination as they and their families sought access to housing, education, and employment. Some military veterans of the pre-1975 government still face economic hardship as a result of past employment restrictions and discrimination, but none are known still to be incarcerated for their activities before 1975. These veterans and their families generally are unable to obtain employment with the Government. This prohibition is less restrictive than in past years because of the growth in private sector job opportunities.

Women

International NGO workers and many women reported that domestic violence against women was common. The law addresses the problem of domestic violence, officials increasingly acknowledge the problem, and it is increasingly discussed in the media; however, authorities do not enforce the law effectively. Reportedly about two-thirds of divorces are due in part to domestic violence, and the divorce rate has risen dramatically in the past few years, but many women likely remain in abusive marriages rather than confront the stigma and economic uncertainty of divorce.

Under the Penal Code it is a crime to use violence, threaten violence, take advantage of a victim being unable to act in self-defense, or resort to trickery to have sexual intercourse with a victim against that person's will. This is believed to criminalize rape, spousal rape, and, in some instances, sexual harassment. However, there are no known instances of prosecution for spousal rape.

Prostitution, although officially illegal, appears to be tolerated widely. Some women are coerced to work as prostitutes, and some are victimized by false promises of lucrative work (see Section 6.f.). Many more women feel compelled to work as prostitutes because of poverty and a lack of other employment opportunities. The HCMC People's Committee acknowledged that more than 10,000 women in the city engaged in prostitution. Hanoi, the port cities of Danang and Haiphong, and smaller cities such as Can Tho and Nha Trang also have large numbers of women engaged in prostitution. There are reports that some persons in HCMC addicted young women to heroin and forced them to work as prostitutes to earn money for drugs. Parents often expect an eldest daughter to assume responsibility for a significant part of the family's finances. There are reports that parents coerced daughters into prostitution or made such extreme financial demands on them that they felt compelled to engage in prostitution. The Women's Union and Youth Union, as well as international and domestic NGO's, are engaged actively in education and rehabilitation programs to combat these abuses.

Trafficking in women for the purpose of sexual exploitation, both domestically and internationally, is a serious problem (see Section 6.f.).

While there is no legal discrimination, women face deeply ingrained societal discrimination. Despite provisions in the Constitution, in legislation, and in regulations that mandate equal treatment, and although some women occupy high government posts, few women compete successfully for higher status positions. The Government has ratified International Labor Organization (ILO) conventions on Equal Remuneration and Discrimination in Employment. The Constitution provides that women and men must receive equal pay for equal work; however, the Government does not adequately enforce this provision. Very poor women, especially in rural areas but also in cities, perform menial work in construction, waste removal, and other jobs for extremely low wages. Despite the large body of legislation and regulations devoted to the protection of women's rights in marriage as well as in the workplace, and Labor Law provisions that call for preferential treatment of women, women do not always receive equal treatment. Nevertheless, women play an important role in the economy and are engaged widely in business and in social and educational institutions. Opportunities for young professional women have increased markedly in the past few years, with greater numbers entering the civil service, universities, and the private sector.

The party-controlled Women's Union has a broad agenda to promote women's rights, including political, economic, and legal equality, and protection from spousal abuse. The Women's Union operates micro-credit consumer finance programs and other programs to promote the advancement of women. International NGO's and other international organizations regard the Union as effective, but they and Women's Union representatives believe that much time is required to overcome societal attitudes that relegate women to lower status than men. The Government also has a committee for the advancement of women, which coordinates interministerial programs that affect women.

Children

International organizations and Government agencies reported that despite the Government's promotion of child protection and welfare, children continue to be at risk of economic exploitation. While education is compulsory through the age of 14, the authorities did not enforce the requirement, especially in rural areas where government and family budgets for education are strained. Thousands of children work in exploitative child labor, although these practices occur almost exclusively on family farms, in family businesses, or in private, small-scale enterprises (see Sections 6.c. and 6.d.). On May 25, the country ratified two optional protocols to the United Nations Convention on the Rights of the Child, one on the Involvement of Children in Armed Conflict and the second on the Sale of Children, Child Prostitution, and Child Pornography. The Government continued a nationwide immunization campaign, and the government-controlled press regularly stressed the importance of health and education for all children. While reports from domestic sources indicate that responsible officials generally took these goals seriously, concrete actions are constrained by severely limited budgets. According to the World Bank, despite growth in incomes over the past decade, severe malnutrition remains an entrenched problem; approximately 45 percent of children under 5 years of age suffer from stunted growth.

Widespread poverty contributed to continued child prostitution, especially of girls, but also of some boys, in major cities. Many prostitutes in HCMC are girls between the ages of 15 and 17. One NGO advocate stated that some child prostitutes, such as those from abusive homes, are forced into prostitution for economic reasons, having few other choices available to them. There were reports that some persons addicted young girls to heroin and forced them to work as prostitutes to earn money for drugs.

Some children are trafficked domestically, and others are trafficked to foreign destinations for the purpose of sexual exploitation. Press reports documented the conviction and imprisonment of some traffickers (see Section 6.f.). The authorities also are concerned about cases in which parents have received payments in exchange for releasing their babies for adoption.

According to a government report on child labor, there are 20,000 street children in the country. Street children are vulnerable to abuse and sometimes are abused or harassed by police (see Section 1.c.).

Persons with Disabilities

There is no official discrimination against persons with disabilities in employment, education, or in the provision of other state services. Government provision of services to assist persons with disabilities, however, is limited, and the Government provides little official protection or effective support to persons with disabilities. Government agencies responsible for services to persons with disabilities worked with domestic and foreign groups to provide protection, support, physical access, education, and employment. Implementation is hampered by limited budgets. The law requires the State to protect the rights and encourage the employment of the persons with disabilities. It includes provisions for preferential treatment of firms that recruit persons with disabilities for training or apprenticeship and a special levy on firms that do not employ workers with disabilities. The extent to which the Government enforces these provisions is unknown. The Government

permitted international groups to assist persons disabled by war, by subsequent accidents involving unexploded ordnance, or other causes, and has developed indigenous prosthetics-manufacturing capabilities. There are no laws mandating physical access to buildings, but international groups are working with the Government to provide increased accessibility. International groups also are assisting the Government in implementing programs to increase access by persons with disabilities to education and employment.

National/Racial/Ethnic Minorities

Although the Government states that it is opposed to discrimination against ethnic minorities, societal discrimination against minorities is widespread. In addition there continued to be credible reports that local officials sometimes restricted ethnic minority access to some types of employment and educational opportunities. The Government continued to implement policies designed to narrow the gap in the standard of living between ethnic groups living in the highlands and richer, lowland ethnic majority Vietnamese (Kinh) by granting preferential treatment to domestic and foreign companies that invest in highland areas. Soc Trang province authorities opened 10 libraries for Khmer ethnic minority group members as part of an ongoing multiyear program to improve cultural and entertainment facilities in minority communities.

The Government resettles ethnic minorities from inaccessible villages in mountainous provinces to locations where basic services are easier to provide; however, the effect of the policy sometimes has been to dilute the political and social solidarity of these groups. The Government admits that one of the goals of resettlement is to impel the minorities to change from traditional swidden agricultural methods to sedentary agriculture. This also has the effect of making more land available to ethnic majority Kinh migrants to the mountainous areas who clear the forests for cash crop agriculture. Large-scale, government-encouraged as well as spontaneous migration of ethnic Kinh to the Central Highlands has diluted the indigenous culture there. It has also led to numerous land disputes between ethnic minority households and ethnic Kinh migrants. The perception of the loss of traditional ethnic minority lands to Kinh migrants was an important factor behind the ethnic unrest earlier in the year (see Section 2.b.). Government officials continued to harass some highland minorities, particularly the Hmong in the northwest provinces and several ethnic groups in the Central Highlands, for practicing their religion without official approval (see Section 2.c.).

The Government responded to ethnic unrest in the Central Highlands with a major security effort (see Section 2.b.). The Government also took a number measures to address the causes of the unrest. For example, several high-level government officials visited the area after the unrest to hear the grievances of ethnic minorities. Previously, all classroom instruction was required by law to be conducted in the Vietnamese language, but the Government began a program to conduct classes in the local language up to grade five. The Government is working with local officials to develop a local language curriculum. The Government appears to be implementing this program more comprehensively in the Central Highlands than in mountainous northern provinces. The Government began broadcasting radio and television programming in the area in ethnic minority languages. The Government also told ethnic Kinh officials that they must learn the language of the locality in which they are working. Provincial governments are implementing initiatives designed to increase employment, reduce the income gap between ethnic minorities and ethnic Kinh, and to be sensitive and receptive to ethnic minority culture and traditions. Officials in Lam Dong Province reportedly have hired ethnic minority persons to teach minority languages to ethnic Kinh police. Officials in Dak Lak Province reportedly are experimenting with a land policy that would allocate certain forest lands to ethnic minority villages for communal use.

Section 6 Worker Rights

a. The Right of Association

Workers are not free to join or form unions of their choosing. Trade unions are controlled by the Party and have only nominal independence. All unions must be approved by and must affiliate with the Party-controlled Vietnam General Confederation of Labor (VGCL). The VGCL is the umbrella organization under which all local trade unions must operate. The VGCL claims that it represents 95 percent of public sector workers and 90 percent of workers in state-owned enterprises. However, the overall level of unionization of the workforce is 10 percent. Approximately 500,000 union members work in the private sector, including enterprises with foreign investment. The vast majority of the work force lives in rural areas, is engaged in small-scale farming, and is not unionized. In 1999 the Government stated that trade unions had not fulfilled their role of protecting workers in foreign-invested companies, many of which it claimed did not respect labor regulations. The VGCL asserted that authorities did not prosecute some violations of the Labor Law. Union leaders influence key decisions, such as the amendment of labor legislation, development of social safety nets, and the setting of health, safety, and minimum wage standards.

While the Labor Law states that all enterprise-level and professional trade unions are affiliated with the VGCL,

in practice hundreds of unaffiliated "labor associations" have been organized at many individual enterprises and in occupations such as those of taxi, motorcycle and cyclo drivers, cooks, and market porters. Foreign governments and international organizations, such as the ILO and other U.N. system organizations, provide technical assistance and training to the Ministry of Labor, Invalids, and Social Affairs (MOLISA), provincial labor departments, and the VGCL.

The Labor Law provides for the right to strike if workers follow the stipulated process of conciliation and arbitration. The law requires that management and labor first attempt to resolve labor disputes through the enterprise's own labor conciliation council. However, many enterprises do not have labor conciliation councils. In the case of the absence of such a council or if a council fails to resolve a labor dispute, the dispute is referred to labor arbitration successively at the district and provincial level. Individual workers may take cases directly to the peoples' court system, but in most cases, only after conciliation has been attempted and failed. Unions have the right to appeal decisions of provincial labor arbitration councils to provincial people's courts, or to strike. Because this process is lengthy and the necessary dispute resolution bodies in many provinces and localities have never been established, nearly every strike is considered illegal. Since 1995 the Labor Ministry has organized hundreds of training courses on the Labor Law for its staff and for managers of enterprises. The ILO and the U.N. Development Program are cooperating on a large multiyear technical assistance program to strengthen Labor Law implementation.

There were 70 strikes during 2000, the latest statistics available. Of these 54 were against foreign-invested or domestic private enterprises, and 16 involved state-owned firms. The majority of strikes took place in HCMC, Dong Nai Province, and other southern provinces where the modern economic sector is concentrated. Most strikes are symbolic and last only 1 or 2 days. Most strikes are caused by disputes over wages and related problems, including late payment of overtime pay, failure to pay customary holiday bonuses, and inappropriate labor discipline. Although nearly every strike did not follow the authorized conciliation and arbitration process, and thus was of questionable legality, the Government tolerated them and took no action against the strikers. Although the VGCL or its affiliate unions did not sanction these strikes officially, the local and provincial levels of the VGCL unofficially supported many of them. The Labor Law prohibits retribution against strikers, and there were no reports of retribution. In some cases, the Government disciplined employers for illegal practices that led to strikes.

The Labor Law prohibits strikes in 54 occupational sectors and businesses that serve the public or are considered by the Government to be important to the national economy and defense. A subsequent decree defined these enterprises to be those involved in: electricity production; post and telecommunications; railway, maritime, and air transportation; banking; public works; and the oil and gas industry. The law also grants the Prime Minister the right to suspend a strike considered detrimental to the national economy or public safety.

Individual unions legally are not free to affiliate with, join, or participate in, international labor bodies, and they do not do so in practice. However, the VGCL has relations with 95 labor organizations in 70 countries, and the VGCL's president traveled internationally, including to industrialized countries, to discuss labor matters.

b. The Right to Organize and Bargain Collectively

Under the law, the provincial or metropolitan branch of the VGCL is charged with organizing a union within 6 months of establishment of any new enterprise with five or more employees, if workers have not already done so. Management is required by law to accept and cooperate with those unions. The Labor Law provides VGCL-affiliated unions the right to bargain collectively on behalf of workers. In recent years, collective bargaining has become more important. Many contracts have been negotiated that ended the practice of annual renewal, and multiyear contracts have become more common despite initial resistance from foreign companies. In recent years, labor leaders have increased the number of workplace issues in collective bargaining agreements. Issues previously not covered in contracts, such as Sunday work, have been spelled out so that companies cannot order workers to work a 7th day. Since the country began moving away from central planning, market forces have played an increasingly important role in determining wages. The Labor Law prohibits antiunion discrimination on the part of employers against employees who seek to organize.

The same labor laws as in the rest of the country govern the growing number of export processing zones and industrial zones. There is anecdotal evidence that the Government is more actively engaged in enforcement of the labor laws in the zones than outside them.

c. Prohibition of Forced or Compulsory Labor

The Labor Law prohibits all forms of forced and bonded labor, including such labor by children; however, there were reports that thousands of children work in exploitative situations (see Section 6.d.). Some women are coerced into prostitution, and trafficking in women for the purpose of forced prostitution is a problem (see

Sections 5 and 6.f.). Children were trafficked both domestically and internationally and forced to work as prostitutes (see Sections 5 and 6.f.). A study of child labor in HCMC found cases in which the parents in poor families had entered into "verbal agreements" with employers, who put their children to work; the children's salaries were sent directly to the parents.

The Government denies the use of prison labor without compensation; however, prisoners routinely are required to work, producing food and other goods used in prisons for little or no pay. Officials state that juveniles in Education and Nourishment Centers, which function much as reform schools or juvenile detention centers do elsewhere, are assigned work for "educational purposes" that does not generate income.

In 1999 the Government issued an ordinance requiring all adult citizens between the ages of 18 and 45 for men and between 18 and 35 for women to perform 10 days of annual public labor. However, the ordinance permits citizens to excuse themselves from this obligation by finding a substitute or paying a fee. While some have alleged that such laborers were recruited to construct the Ho Chi Minh Highway, the Government issued a decree in October 2000 that gave the force of law to its existing policy that all labor on this project must be voluntary and paid.

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Law prohibits most child labor but allows exceptions for certain types of work. It sets the minimum age for employment at 18 years of age, but enterprises may hire children between the ages of 15 and 18 if the firm obtains special permission from their parents and the MOLISA. However, a widely-publicized MOLISA survey found that about 40,000 children between the ages of 8 and 14 years worked part time or full time in violation of the Labor Law. That estimate may be low, since many more children worked in the informal sector, usually on family farms or family businesses not within the scope of the Labor Law.

By law, an employer must ensure that workers under 18 years of age do not undertake hazardous work or work that would harm their physical or mental development. Prohibited occupations are specified in the Labor Law. Children may work a maximum of 7 hours per day and 42 hours per week and must receive special health care. However, authorities do not have sufficient resources to ensure enforcement of child labor regulations. International donor assistance targets the problem of child labor.

The Labor Law permits children to register at trade training centers, a form of vocational training, from the age of 13.

There have been reports that enterprises, including companies with foreign investment, have discovered underage workers in their employ. According to reliable sources, this occurred when the child workers presented false identity documents, frequently borrowed from older family members. Once discovered, the children lost their jobs, but in many cases the companies paid for their schooling and promised to reemploy them once they were of age.

In rural areas, children work primarily on family farms and in other agricultural activities. In some cases they begin work as young as 6 years of age and are expected to work as adults by the time they are 15 years of age. In urban areas, children also may work in family-owned small businesses. Migration from rural to urban settings has exacerbated the child labor problem. Compulsory education laws are not enforced effectively in rural areas, where children are needed to work in agriculture. However, the culture's strong emphasis on education leads parents who can send children to school to do so, rather than allow them to work. Due to lack of classroom space, most schools operate two sessions, and children attend either morning or afternoon sessions; a result of attending school only half days is that children are able both to attend classes and to work. The ILO stated that some street children both in HCMC and Hanoi participate in night education courses.

Government officials have the power to fine and, in cases of Criminal Code violations, prosecute employers who violate child Labor Laws. While the Government commits insufficient resources to enforce laws providing for children's labor safety, especially for children working in mines and as domestic servants, it has detected cases of child exploitation, removed the children from the exploitative situations, and disciplined the employers. In a 1999 case in which children were working in a private sector gold mine, the Government prosecuted and convicted those responsible.

In June the Government circulated a draft National Plan of Action implementing ILO Convention 182 on worst forms of child labor, which it ratified in November 2000.

The Labor Law prohibits forced and bonded labor by children; however, thousands of children work in exploitative situations, and children were trafficked both domestically and internationally for the purpose of

sexual exploitation (see Section 6.f.).

e. Acceptable Conditions of Work

The Labor Law requires the Government to set a minimum wage, which is adjusted for inflation and other economic changes. The official monthly minimum wage for foreign-investment joint ventures is \$45 (674,820 dong) in Hanoi and HCMC, and \$40 (599,840 dong) elsewhere. The Government can exempt temporarily certain joint ventures from paying the minimum wage during the first months of an enterprise's operations or if the enterprise is located in a very remote area, but the minimum wage in these cases can be no lower than \$30 (449,880 dong). The official monthly minimum wage of \$12 (180,000 dong) outside the foreign-invested joint venture sector is inadequate to provide a worker and family with a decent standard of living. However, state-owned enterprises consistently pay more than that minimum. The number of workers who receive government-subsidized housing is decreasing. However, many workers receive bonuses and supplement incomes by engaging in entrepreneurial activities, and households often include more than one wage earner. An ILO study found that minimum wage requirements are well applied in all sectors, with the exception of smaller private sector enterprises. However, there have been a number of media reports citing incidences of violations of minimum wage requirements by companies with foreign investment.

In 1999 the Government reduced the workweek for government employees and employees of companies in the state sector from 48 hours to 40 hours. The Government encourages the private business sector and foreign and international organizations that employ local workers to reduce the number of hours in the workweek, but has not made compliance mandatory.

The Labor Law sets working hours at a maximum of 8 hours per day, with a mandatory 24-hour break each week. Additional hours require overtime pay at 1 1/2 times the regular wage and 2 times the regular wage on holidays. The law limits compulsory overtime to 4 hours per week and 200 hours per year. The law also prescribes annual leave with full pay for various types of work. The ILO has pointed out that the limit of 200 hours a year of overtime work is too low, and that workers and employers should have the right to agree to a greater amount of overtime work. It is uncertain how well the Government enforces these provisions.

According to the law, a female employee who is to be married, is pregnant, is on maternity leave, or is raising a child under 1 year of age cannot be dismissed unless the enterprise is closed. Female employees who are at least 7 months pregnant or are raising a child under 1 year of age cannot work overtime, at night, or in distant locations.

The Labor Law requires the Government to promulgate rules and regulations that ensure worker safety. The Ministry of Labor, in coordination with local people's committees and labor unions, is charged with enforcing the regulations. In practice enforcement is inadequate because of the Ministry's low funding and a shortage of trained enforcement personnel. The VGCL reported that there are 300 labor inspectors in the country but that at least 600 are needed. On-the-job-injuries due to poor health and safety conditions in the workplace are a problem. There is evidence, however, that workers, through labor unions, have been effective in improving working conditions.

Some foreign companies with operations in the country have established independent monitoring of problems at their factories. In some instances, they used NGO's and other nonprofit organizations to monitor workplace conditions and report abuses to the Ministry of Labor.

The Labor Code provides that workers may remove themselves from hazardous conditions without risking loss of employment. Companies report that MOLISA or provincial labor agencies perform labor and occupation safety and health inspections at enterprises when they learn of serious accidents or when there have been reports of hazardous conditions.

f. Trafficking in Persons

The Penal Code prohibits trafficking in women and children; however, trafficking in women and children for the purpose of sexual exploitation and for labor, both domestically and internationally, is a serious problem. While no law specifically prohibits trafficking in men, existing laws could be used to prosecute traffickers who recruit or send men abroad to work for "illegitimate profits" or illegal purposes. Incidents of trafficking of adult males domestically or abroad are rare. While reliable statistics on the numbers of citizens trafficked are not available there is evidence that the numbers have grown in recent years.

Vietnam is both a country of origin and transit for trafficking. Vietnamese women are trafficked to Cambodia and China for sexual exploitation and arranged marriages. According to one report, between 1990 and 2000,

approximately 20,000 young women and girls were sent to China to become brides, domestic workers, or prostitutes; however, it is not clear how many were victims of trafficking (observers believe many, if not most, of these young women were voluntary migrants and, at least initially, not victims of trafficking). Between 1995 and 2000, approximately 5,000 women and children were trafficked to and escaped from Cambodia. Some Vietnamese women also have been trafficked to Singapore, Hong Kong, Macau, Thailand, Taiwan, the United Kingdom, and the United States. There also have been reports that some Vietnamese women going to Taiwan, Hong Kong, Macau, and China as "mail-order brides" have become victims of trafficking. Women and children also are trafficked within Vietnam, usually from rural to urban areas. The country also is a transit point for trafficking. Typically, persons are trafficked from China or the Middle East to Australia, Europe, or Canada; however, this appears to have decreased during the year.

Some children are trafficked domestically, and others are trafficked to foreign destinations for the purpose of prostitution. An NGO advocate estimated that the average age of trafficked girls was between 15 and 17 years. Although statistics are not reliable, women and girls are trafficked from southern delta and highland provinces to Cambodia and from northern provinces into China generally for the purposes of prostitution, domestic work, or marriage. The Vietnam Women's Union and Youth Union are especially active in drawing attention to these problems and helping with education programs to warn vulnerable families of the dangers of deception by those who would lure young women and children into prostitution.

There are reports that some women from HCMC and the Mekong Delta who married men from Taiwan were forced into prostitution after their arrival in Taiwan. There is reported trafficking in women to the Macau Special Administrative Region of China with the assistance of organizations in China that are ostensibly marriage service bureaus, international labor organizations, and travel agencies. After arrival women can be forced into conditions similar to indentured servitude; some may be forced into prostitution.

Poor women and teenage girls, especially those from rural areas, are most at risk for being trafficked. Some are sold by their families as domestic workers or for sexual exploitation. In some cases, traffickers pay families several hundred dollars (a large sum for many families) in exchange for allowing their daughter to go to Cambodia for an "employment offer." Many victims face strong pressure to make significant contributions to the family income. Others are offered lucrative jobs by acquaintances. False advertising, debt bondage, confiscation of documents, and threats of deportation are other methods commonly used by the traffickers, spouses, and employers.

Individual opportunists and informal networks, rather than organized groups, lure poor, often rural, women with promises of jobs or marriage and force them to work as prostitutes (see Sections 5 and 6.c.). There appears to be some organized crime involvement in the transit of trafficked persons through the country.

Corruption is a serious problem at all levels, and some officials may be involved in the flow of overseas workers into exploitative conditions or into trafficking. While it is likely that some individual officials have assisted traffickers, there is no evidence of official, institutional, or government involvement in trafficking in persons.

There have been allegations supported by evidence that state-owned labor supply companies trafficked workers, primarily women and girls, to American Samoa, where they were employed by a Korean-owned garment manufacturer, Daewoosa. There are allegations that these workers were subjected to debt bondage, mistreated, threatened, and abused. These or similar allegations are being raised in civil and criminal cases pending in U.S. courts, although no Vietnamese companies or officials are defendants in the criminal case. As a result of this case, the Government initiated a widely publicized review of the operations and finances of licensed labor supply companies, which resulted in the temporary or permanent suspension of the operating licenses of the two state-owned enterprises that supplied labor to Daewoosa. The Government also brought charges against, and convicted, an official from one of those enterprises in relation to the Daewoosa case.

The Government increased its efforts during the year to prosecute traffickers. The law provides for prison sentences of 2 to 20 years for persons found guilty of trafficking women, and for 3-year to life prison sentences for persons found guilty of trafficking children. Some traffickers have been convicted and imprisoned. The Government is working with international NGO's to supplement law enforcement measures and is cooperating with other national governments to prevent trafficking. In 2000 it signed an agreement with Australia stating a mutual commitment to combat trafficking in women and children. It also cooperates closely with countries within the INTERPOL and ASIANPOL frameworks.

Official Vietnamese institutions including MOLISA, the Women's Union, the Youth Union and the Committee for Protection and Care of Children have active programs in place aimed at prevention and victims' protection. These programs included publicity to warn women and girls of these dangers, repatriation programs to help female returnees, and vocational training for teenage girls in communities considered vulnerable to trafficking.

in persons. Government agencies worked closely with the International Organization for Migration (IOM) and a number of international NGO's to provide temporary shelter, some medical services, education, and rehabilitation to returned trafficking victims. Although voluntary commercial sex workers are subject to criminal sanctions, the Government seeks to assist trafficking victims. Trafficking victims in general are not treated as criminals, but women trafficked into prostitution may be prosecuted for prostitution.

Government agencies work with international NGO's on mass media campaigns, community outreach visits, distribution of leaflets, and vocational training in their efforts to prevent trafficking. In one project, IOM and the Women's Union trained 7,000 activists for community outreach and distributed half a million pamphlets in 14 of the country's provinces most vulnerable to trafficking.